

REMARKS

Claims 1-5 and 7-57 were pending in this matter on the date of the Office Action. By this amendment, claims 5, 15-26, 37 and 40, have been cancelled without prejudice or disclaimer as to the subject matter contained therein. Claims 1, 9, 27-29, 32-36, 44-45, and 47-55 have been amended. The amendment to claim 9 is to correct a grammatical error in the claim and to specify the portions recited are the tubular portions previously mentioned in claims from which this claim depends. The amendments to claims 32-36 and 44-45 are to correct dependency of those claims from now cancelled claims. The amendments to claims 47-53 are to correct grammatical errors in those claims as shown by the recitations of the claims from which claims 47-53 depend. The amendments to claims 54-55 are to specify the portions recited are the tubular portions previously mentioned in claims from which these claims depend.

Claims 1-5, 7, 8, and 10-53 stand rejected as being anticipated by U.S. Patent 5,879,381 to Moriuchi et al. ("Moriuchi '381"). The Examiner has also rejected claims 9 and 54-57 under 35 U.S.C. § 103(a) as being unpatentable over Moriuchi '381 in view of U.S. Patent 5,968,093 to Kranz ("Kranz '093").

The Examiner indicated that Moriuchi '381 provides a stent with cell-shaped elements that share a common axis and are therefore, coaxial to each other. Claim 1 has been amended to recite that each of the cell-shaped elements of one tubular portion share a common central axis in the longitudinal direction with a cell-shaped element of an adjacent tubular portion. Support for this amendment may be found in the drawings, so the introduction of this terminology is not new matter.

Additionally, claim 1 has been further amended to distinguish the present invention from that of Moriuchi '381. Claim 1 has been amended to recite that the first connecting bars directly connect cell-shaped elements of adjacent tubular portions. Moriuchi '381 provides a stent in which adjacent tubular portions are connected by connecting members (19) that connect tie members (3) of adjacent annular units (4). The connecting members (19) of Moriuchi '381, which are analogous to the first connecting bars of the present invention, do not directly connect the cell-shaped elements of adjacent tubular portions. Therefore, claim 1 as amended patentably distinguishes over Moriuchi '381. Likewise, claims 2-4, 7-14, 27-36, 38-39 and 41-57, which

depend from claim 1, either directly or indirectly, and contain all the limitations of claim 1, also patentably distinguish over Moriuchi '381.

The amended claims also patentably distinguish over the combined teachings of Moriuchi '381 and Kranz '093, because they do not teach or suggest all of the limitations of claim 1. Neither Moriuchi '381 nor Kranz '093, individually or together, provide a stent containing at least two tubular portions that are directly connected by the first connecting bars that directly connect cell-shaped elements of adjacent tubular portions. Additionally, dependent claims 2-4, 7-14, 27-36, 38-39 and 41-57, which directly or indirectly depend from claim 1, provide additional distinctions that are not taught or suggested by the cited prior art. For example, claims 4 and 12-14 provide that the first connecting bar connects elements of the same orientation. Moriuchi '381 provides elements having a symmetric geometry and therefore, no orientation of these elements is possible. Kranz '093 provides cell-shaped elements having a non-symmetric geometry, but the longitudinally connecting elements of Kranz '093 have differing orientations. (See Kranz '093, Figs. 1-3). Additionally, claims 27-29 have been amended to recite that the first connecting bars are parallel to the longitudinal axis of the stent. Therefore, the Applicants maintain that claims 2-4, 7-14, 27-36, 38-39 and 41-57 patentably distinguish over the prior art.

Accordingly, the Applicants respectfully request reconsideration of the rejections based on the claim amendments made above and the issuance of a Notice of Allowance. The outstanding Office Action was mailed on 27 May 2004. This amendment and response is filled with a petition for a two month extension of time and an accompanying check in the amount of \$430.00 in satisfaction of the extension fee under 37 CFR 1.17(a)(2). No other fees are believed to be due. However, in the event that a fee for the filing of his response is insufficient, the Commissioner is authorized to charge any fee deficiency or to credit any overpayment to Deposit Account 15-0450.

Respectfully submitted,



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